

GLOSSARY OF TERMS

“Accessory Building” means a building or structure which is subordinate to, and the use of which is incidental to that of the main building, structure or use on the same lot or parcel. *Sec. 8-1.5, Kauai County Code, 1987, as amended.*

“Accessory Use” means a use customarily incidental, appropriate and subordinate to the main use of the parcel or building. *Sec. 8-1.5, Kauai County Code, 1987, as amended.*

“Apartment” means see Dwelling, Multiple Family. *Sec. 8-1.5, Kauai County Code, 1987, as amended.*

“Apartment-Hotel” means a building or portion thereof used as a hotel as defined in this Section and containing the combination of individual guest rooms or suite of rooms with apartments or dwelling units. *Sec. 8-1.5, Kauai County Code, 1987, as amended.*

“Bed and Breakfast” means the use of a portion of a residence, an additional dwelling unit or a cottage for transient rental (less than 30 days) on a property where the owner resides in the principal residence. *Section 4.2.6, Kauai General Plan, November 2000*

or

"Bed and breakfast home" means a use in which overnight accommodations are provided to guests for compensation, for periods of less than thirty days, in a detached single-family dwelling unit occupied by the owner-proprietor or lessee-proprietor. The home shall include bedrooms, one kitchen, and living areas used by the family occupying the home and shall include no more than six bedrooms for short-term rental, as specified within the zoning district provisions of this title. *Section 19.04.040, Maui County Code*

or

“Bed and Breakfast” means a single-family dwelling, including a single guesthouse, in which overnight accommodations and only breakfast meals are provided to a maximum of ten guests, for compensation, for periods of less than thirty days. *Section 25-1.5, Hawaii County Code*

“Commercial Use” means the purchase, sale or other transaction involving the handling or disposition (other than that included in the term “industry” as defined in this Section) of any article, substance or commodity for profit or a livelihood, including in addition, public garages, office buildings, offices of doctors and other professionals, public stables, recreational and amusement enterprises conducted for profit, shops for the sale of personal services, places where commodities or services are sold or are offered for sale, either by direct handling of merchandise or by agreements to furnish them but not including dumps and junk yards. *Sec. 8-1.5, Kauai County Code, 1987, as amended.*

“Compatible Use” means a use that, because of its manner of operation and characteristics, is or would be in harmony with uses on abutting properties in the same zoning district. In judging compatibility the following shall be considered: intensity of occupancy as measured by dwelling units per acre, pedestrian or vehicular traffic generated, volume of goods handled, and other factors such as, but not limited to: vibration noise level, smoke, odor or dust produced or light or radiation emitted. *Sec. 8-1.5, Kauai County Code, 1987, as amended.*

“Conforming” means in compliance with the regulations of the pertinent district. *Sec. 8-1.5, Kauai County Code, 1987, as amended.*

“Contiguous Lots or Parcels in Common Ownership” means more than one (1) adjoining lot or parcel each of which is owned in full or part by the same person, or his representative. *Sec. 8-1.5, Kauai County Code, 1987, as amended.*

“Density” means the number of dwelling units allowed on a particular unit of land area. *Sec. 8-1.5, Kauai County Code, 1987, as amended.*

“Designated Visitor Destination Area” means lands in the Resort or Commercial districts and in the resort RR-10 and RR-20 Districts and multifamily R-10 and R-20 Residential Districts and are located within the visitor destination areas of Poipu, Lihue, Wailua-Kapaa or Princeville, Waimea (*checking if there are other areas that should be added to this definition*) was more particularly designated on the County of Kauai Visitor Destination Area maps attached to Ordinance 436 and incorporated herein by reference. (No specific definition but language extracted from *Sec. 8-17.2, Kauai County Code, 1987, as amended*).

“Dwelling” means a building or portion thereof designed or used exclusively for residential occupancy and having all necessary facilities for permanent residency such as living, sleeping, cooking, eating and sanitation. *Sec. 8-1.5, Kauai County Code, 1987, as amended.*

“Dwelling, Multiple Family” means a building or portion thereof consisting of two (2) or more dwelling units and designed for occupancy by two (2) or more families living independently of each other, where any one (1) of the constructed units is structurally dependent on any other unit. *Sec. 8-1.5, Kauai County Code, 1987, as amended.*

“Dwelling, Single Family Attached” means a building consisting of two (2) or more dwelling units and designed for occupancy by two (2) or more families living independently of each other where each unit is structurally independent although superficially attached or close enough to appear attached. *Sec. 8-1.5, Kauai County Code, 1987, as amended.*

“Dwelling, Single Family Detached” means a building consisting of only one (1) dwelling unit designed for or occupied exclusively by one (1) family. *Sec. 8-1.5, Kauai County Code, 1987, as amended.*

“Dwelling Unit” means any building or any portion thereof which is designed or intended for occupancy by one (1) family or persons living together or by a person living alone and providing complete living facilities, within the unit for sleeping, recreation, eating and sanitary facilities, including installed equipment for only one (1) kitchen. Any building or portion thereof that contains more than one (1) kitchen shall constitute as many dwelling units as there are kitchens. *Sec. 8-1.5, Kauai County Code, 1987, as amended.*

“Family” means an individual or group of two (2) or more persons related by blood, adoption or marriage living together in a single housekeeping unit as a dwelling unit. For purposes of this Chapter, family shall also include a group of not more than five (5) individuals unrelated by blood, adoption or marriage.

“Guest House” means a building used for dwelling purposes by guests with a floor area of no more than five hundred (500) square feet that contains no kitchen and is located on a parcel of at least nine thousand (9,000) square feet that contains one (1) or more dwelling units.

“Home Business” means any use customarily conducted entirely within a dwelling and carried on solely by the inhabitants thereof, in connection with which are: no display from the outside of the building; no mechanical equipment used except as is normally used for domestic or household purposes; and no selling of any commodity on the premises; which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. The office, studio, or occupational room of an architect, artist, engineer, lawyer or other similar professional person; a family child care home; business conducted entirely by phone or by mail (not involving frequent bulk shipments); and an office for “homework” of a person in business elsewhere; all shall be permitted as home businesses except that no activity involving, encouraging, or depending upon frequent visits by the public and no shop or clinic of any type shall be deemed to be a home business. *Sec. 8-1.5, Kauai County Code, 1987, as amended.*

“Horizontal Property Regime” means the forms of development defined in the Horizontal Property Act, Chapter 514A, H.R.S. *Sec. 8-1.5, Kauai County Code, 1987, as amended.*

“Hotel” means any building containing six (6) or more rooms intended or designed to be used, or which are used, rented or hired out to be occupied for sleeping purposes by guests when the rooms are open to the occupancy by the general public on a commercial basis whether the establishment is called a hotel, resort hotel, inn, lodge or otherwise which rooms do not constitute dwelling units. *Sec. 8-1.5, Kauai County Code, 1987, as amended.*

“Kitchen” means any room used or intended or designed to be used for cooking and preparing food. *Sec. 8-1.5, Kauai County Code, 1987, as amended.*

“Loft” means the floor placed between the roof and the floor of the uppermost story within a single family detached dwelling, the floor area of which is not more than one-third (1/3) the floor area of the story or room in which it is placed. *Sec. 8-1.5, Kauai County Code, 1987, as amended.*

“Lot” means a portion of land shown as a unit on an approved and recorded Subdivision Map. *Sec. 8-1.5, Kauai County Code, 1987, as amended.*

“Motel” means a group of attached or detached buildings containing rooms, designed for or used temporarily by automobile tourists or transients, with garages attached or parking space conveniently located to each unit, including auto court, tourist court or motor lodge, or otherwise, which rooms do not constitute dwelling units. *Sec. 8-1.5, Kauai County Code, 1987, as amended.*

“Non-conforming Building or Structure” means a building or portion thereof lawfully existing at the time of the adoption of this Zoning Ordinance and which does not comply with the regulations of the zoning district in which it is located. *Sec. 8-1.5, Kauai County Code, 1987, as amended.*

“Non-conforming Use” means a lawful use of a building or land existing at the time of the adoption of this Ordinance, which does not conform to the regulations for the zoning district in which it is located. *Sec. 8-1.5, Kauai County Code, 1987, as amended.*

“Owner” means the holder of at least seventy-five percent (75%) of the equitable and legal title of a lot. *Sec. 8-1.5, Kauai County Code, 1987, as amended.*

“Project” means property that is subject to project instrument, including but not limited to condominiums and cooperative housing corporations. *Sec. 8-1.5, Kauai County Code, 1987, as amended.*

“Project Instrument” means one or more documents including any amendments to the documents, by whatever name denominated, containing restrictions or covenants regulating the use or occupancy of a project. *Sec. 8-1.5, Kauai County Code, 1987, as amended.*

“Resident” means any person who occupies a dwelling within the State, has a present intent to remain within the State for a period of time, and manifests the genuineness of that intent by establishing an ongoing physical presence within the State together with indicia that his presence within the State is something other than merely transitory in nature. *Black’s Law Dictionary, 1979*

Single Family Vacation Rental means a single-family dwelling that is used as a transient rental. *Section 4.2.6, Kauai General Plan, November 2000*

“Structural Alteration” means any change in the supporting members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joist, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components or changes in roof or exterior lines. *Sec. 8-1.5, Kauai County Code, 1987, as amended.*

“Structure” means anything constructed or erected which requires location on the ground or which is attached to something having location on the ground, excluding vehicles designed and used only for the transportation of people or goods, and excluding utility poles and towers constructed by a public utility. *Sec. 8-1.5, Kauai County Code, 1987, as amended.*

“Subdivision” means the division of land or the consolidation and resubdivision into two (2) or more lots or parcels for the purpose of transfer, sale, lease, or building development, and when appropriate to the context shall relate to the process of dividing land for any purpose. The term also includes a building or group of buildings, other than hotel, containing or divided into two (2) or more dwelling units or lodging units. *Sec. 8-1.5, Kauai County Code, 1987, as amended.*

Transient Vacation Rentals means rentals in a multi-unit building for visitors over the course of one (1) or more years, with the duration of occupancy less than thirty (30) days or the transient occupant. *Section 8-1.5, Kauai County Code 1987, as amended*

“Urban Land Uses in Residential Community” means the use of land included within the residential community designation designation predominantly for low- and high-density housing in towns and other residential areas. Residential Community areas may also be used for commercial and industrial businesses, government facilities, and institutions. The location of non-residential uses shall be established through zoning. The intent is to provide convenient shopping and services to improve the livability of the various residential communities. *Kauai General Plan, November 2000*

“Urban Land Uses in Resort Community” means the use of land included within the Resort Designation predominantly for housing and serving visitors to Kauai. In addition to hotels and multi- and single-family dwellings used for transient lodging, the Resort designation shall provide for commercial, recreational and public facilities that serve visitors or support the visitor industry. Lands designated Resort may also be used for residential purposes, including resort employee housing. The resort designation shall be reserved for a limited number of locations. (1) Primary resort destinations intended to accommodate 1,500 visitor units or more include Princeville, Wailua-Kapaa, and Poipu-Kukuiula, (2) Secondary resort destinations include Nukolii and Lihue, (3) A rural resort destination shall be located in the Kapalawai-Waimea area. It shall be oriented to inn- and residential-style visitor accommodations and shall be limited to ten percent of the island’s total number of visitor units. *Kauai General Plan, November 2000*

“Use” means the purpose for which land or building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained. *Sec. 8-1.5, Kauai County Code, 1987, as amended.*

“Use Existing” means a lawful use of land existing on August 17, 1972. *Sec. 8-1.5, Kauai County Code, 1987, as amended.*

“Use Permit” means a permit issued under the definite procedure provided in this Chapter allowing a certain use which is conditionally permitted for the particular district. *Sec. 8-1.5, Kauai County Code, 1987, as amended.*